

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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:  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY, solely in its capacity as Trustee  
for the MORGAN STANLEY  
STRUCTURED TRUST I 2007-1,  
:

Plaintiff,  
:

- against -  
:

MORGAN STANLEY MORTGAGE  
CAPITAL HOLDINGS LLC, as Successor-  
by-Merger to MORGAN STANLEY  
MORTGAGE CAPITAL INC.,  
:

Defendant.  
:  
:  
----- X

No. 14 Civ. 3020 (KBF)

ORAL ARGUMENT  
REQUESTED

**NOTICE OF MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC'S  
MOTION FOR JUDGMENT ON THE PLEADINGS AND  
RENEWED MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Its Motion for Judgment on the Pleadings and Renewed Motion for Summary Judgment, its Statement of Undisputed Material Facts Pursuant to Local Rule 56.1, the annexed Declaration of Brian S. Weinstein and the exhibits thereto, and all the pleadings and proceedings herein, Defendant Morgan Stanley Mortgage Capital Holdings LLC ("Morgan Stanley"), by and through its undersigned counsel, hereby moves this Court before the Honorable Katherine B. Forrest, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 23B, New York, New York, 10007, for an order, pursuant to Federal Rule of Civil Procedure 12(c), granting judgment on the pleadings and dismissing this action for lack of subject matter jurisdiction, or in the alternative for an order, pursuant to Federal Rule of Civil Procedure 56, granting summary judgment in favor of Morgan

Stanley on its statute of limitations defense and dismissing Plaintiff's Complaint. Defendant respectfully requests oral argument on this motion.

Dated: New York, New York  
February 5, 2018

DAVIS POLK & WARDWELL LLP

By: /s/ Brian S. Weinstein

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